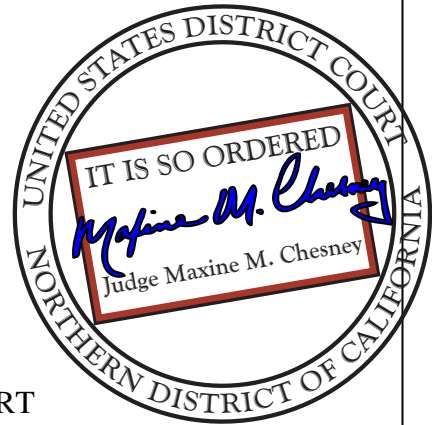


Dated: April 6, 2007



HARVEY I. WITTENBERG, STATE BAR NO. 37760
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 ATTORNEYS FOR DEFENDANT, and
 THIRD PARTY PLAINTIFF, HORIZON LINES, LLC.

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

DANIEL MAXIE)

Plaintiff,)

vs.)

HORIZON LINES, LLC.,)

MATSON NAVIGATION COMPANY)

Defendants.)

HORIZON LINES, LLC.,)

Defendant and Third Party Plaintiff)

vs.)

US SHIP MANAGEMENT, INC.)

Third party defendant)

Case No.

C 04-02255 MMC

STIPULATION AND ~~(PROPOSED)~~ ORDER
 OF DISMISSAL OF THRID PARTY
 COMPLAINT, FRCP 41(a)(2) and (c)

WHEREAS on March 21, 2007 in the captioned action on being advised that the case had
 settled, the court ordered a conditional dismissal of the action with prejudice;

NOW THEREFORE, the parties to the third party complaint in the same action hereby
 stipulate to the dismissal of the third party complaint with prejudice, and on the same terms of the
 conditional dismissal ordered by the court of the main action, each party to bear its own costs.

Dated: April 6, 2007

THE LAW OFFICES OF
 HARVEY I. WITTENBERG

By: s/s Harvey I. Wittenberg
 HARVEY I. WITTENBERG
 ATTORNEYS FOR DEFENDANT and
 THIRD PARTY PLAINTIFF, HORIZON
 LINES, LLC.

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